



## **H.R. 2446 – Afghanistan Freedom and Security Support Act of 2007**

### **Executive Summary**

Rep. Tom Lantos (D-CA), Chairman of the Foreign Affairs Committee, introduced the Afghanistan Freedom and Security Support Act (H.R. 2446) on May 22, 2007. The bill will be considered on the floor under a structured rule on June 6, 2007.

H.R. 2446 authorizes approximately \$2 billion for each fiscal year 2008 through 2010 for economic and military assistance to the government of Afghanistan – including \$1.7 billion in economic and development assistance and \$325 million in military and other assistance. The current budget authority provides for \$685 million in assistance for fiscal year 2007.

The bill would authorize aid to Afghanistan for programs including enhancements to counter-narcotics efforts, assistance for Afghani women and girls, anti-corruption, health assistance, energy development, and capacity building. It would also 1) create a pilot program for crop substitution to encourage legitimate alternatives to poppy cultivation; 2) require the appointment of a high-level interagency coordinator of assistance; 3) reauthorize funding for Radio Free Afghanistan; and 4) require an enhanced strategy for success and a progress report that tracks the success of this strategy.

Over the last 5 years, the U.S. has provided approximately \$14 billion in security and reconstruction assistance to Afghanistan. The CBO estimates that implementing H.R. 2446 would cost \$719 million in 2008 and almost \$5.8 billion from 2008-2012.

The Ranking Member of the Foreign Affairs Committee, Rep. Ileana Ros-Lehtinen (R-FL), is an original co-sponsor of the bill.

### **Background**

Since the fall of the Taliban in 2001, Afghanistan has made significant progress in establishing a new government, promoting economic development, and increasing security. A new constitution was adopted in January 2004; successful presidential and parliamentary elections were held in October 2004 and September 2005, respectively; and parliament first met in December 2005. Over the last 5 years, the U.S. has provided approximately \$14 billion in security and reconstruction assistance to Afghanistan.

Afghanistan has made progress away from three decades of war and violence, toward a prosperous, secure democratic government. Today, more than 5 million Afghan children are in

school – including over 2 million girls (which was prohibited under Taliban rule). Hundreds of clinics and new schools are now open to serve the population. The Afghan economy is growing at an exponential rate. Most importantly, the Afghan people, through their active participation in the political process, have demonstrated their desire to accelerate and ensure Afghanistan's modernization.

Nonetheless, significant security challenges remain. In particular, the narcotics trade continues to grow, threatening the short- and long-term stability of Afghanistan. Poppy cultivation grew by an estimated 59 percent during the 2005-2006 growing season. The illicit drug trade not only supports Taliban insurgents and other terrorist groups, it also contributes to government corruption and undermines the long-term stability and success of Afghanistan.

In 2002, Congress passed and the President signed into law the Afghanistan Freedom Support Act (P.L. 107-327), which established a robust reconstruction program, provided support for the International Security Assistance Force, and gave security assistance authorities to the President. The law was updated in 2004 with passage of the Afghanistan Freedom Supports Amendments Act, which was included as part of P.L. 108-458.

### **Floor Situation**

H.R. 2446 is being considered on the floor under a structured rule. The rule:

- Provides one hour of debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Foreign Affairs.
- Waives all points of consideration except for those arising under clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Makes in order only those amendments printed in the report accompanying the rule. Each amendment is debatable for 10 minutes.
- Provides one motion to recommit with or without instructions.

Representative Tom Lantos (D-CA) introduced the Afghanistan Freedom and Security Support Act of 2007 (H.R. 2446) on May 22, 2007. The Committee on Foreign Affairs approved the bill by voice vote on May 23, 2007.

H.R. 2446 is expected to be considered on the floor on June 6, 2007.

### **Summary**

H.R. 2446:

- Reauthorizes funding for programs created by the Afghanistan Freedom Support Act of 2002 (AFSA), including \$1.7 billion in economic and development assistance and \$325 million in military and other assistance for each fiscal year 2008 through 2010.

*Note: The current budget authority provides for \$685 million in assistance for fiscal year 2007.*

- Establishes a pilot program to test the effectiveness of crop substitution in combating the poppy trade in Afghanistan and in encouraging legitimate alternatives to the drug trade. The program will provide seeds for alternative crops and technical assistance to Afghan farmers. It authorizes \$10 million for each year 2008-2010. (Sections 102 and 103)
- Changes authority for women's programs and expands programs for anti-corruption, health assistance, energy development, and capacity building. (Section 103)
  - Expands the health assistance programs in Afghanistan to include training for medical personnel and to provide equipment for primary and secondary clinics and hospitals.
  - Expands anti-corruption programs to include assistance for improving transparency and accountability, increasing the participatory nature of governmental institutions, and promoting other forms of good government and management.
  - Amends the authorization language for assistance to Afghan women and girls. For each fiscal of the fiscal years 2008 through 2010, the bill authorizes \$5 million for the Afghan Ministry of Women's Affairs (compared to \$15 million for 2006); \$10 million for the Afghan Independent Human Rights Commission (compared to \$5 million for 2006); and \$30 million for grants to Afghan-led NGOs (not previously specified).
  - Adds new authority for energy development assistance, including development of local energy sources, new power generation, and energy transportation. For each fiscal year from 2008 to 2010, the bill authorizes \$75 million for short-term energy assistance.
  - Adds new authority for programs to promote capacity building and sustainability of the Afghan government institutions. (Section 103)
- Contains a limitation on assistance to Afghan local and provincial government officials, who, based on credible evidence, are found to be supporting terrorist activities, narcotics traffickers and producers, and other criminal activities. (Section 104)
- Mandates the President to appoint a Coordinator for U.S. assistance to Afghanistan, whose duties would include an emphasis on coordinating counter-drug activities. (Section 106)
- Establishes a pilot program to provide scholarships for public policy internships for Afghan undergraduate and graduate students. (Section 107)

- Significantly expands the counter-narcotics mission in Afghanistan in several ways (Section 211), including:
  - Easing restrictions on logistical assistance by the U.S. military for the work of the Drug Enforcement Administration on opium interdiction and extradition of major drug kingpins;
  - Coordinating with the governments of Afghanistan, the U.K., and other countries in drug-interdiction efforts;
  - Requiring the President to enhance civilian counter-narcotics teams, like the Afghan National Interdiction Unit;
  - Allowing NATO law enforcement personnel to participate in civilian counter-narcotics teams; and,
  - Ensures that there will be pre-training vetting of the recruits for the Afghan police, to assess candidates' aptitude, professional skills, integrity and other qualifications for law enforcement work.
- Authorizes International Military Education and Training (IMET) funding for training military personnel of foreign countries that are participating in security operations in Afghanistan in support of U.S. efforts. (Section 213)
- Includes a Sense of Congress lauding programs currently providing assistance for families of Afghan war victims and requires the President to submit a report regarding the feasibility of expanding assistance programs for families of the victims. (Section 214)
- Requires reports on progress toward security and stability in Afghanistan and a comprehensive interagency strategy for long-term security and stability in Afghanistan. (Section 302-303)
- Authorizes the President to appoint a Special Envoy for Afghanistan-Pakistan Cooperation. (Section 304)
- Reauthorizes funding for Radio Free Afghanistan. (Section 306)

### **Amendments Made in Order Pursuant to the Rule**

**1) Rep. Lantos (D-CA) (Revised)** The amendment makes a number of technical, clarifying, and clerical changes to several provisions of H.R. 2446 as reported by the Committee on Foreign Affairs.

**2) Rep. Ackerman (D-NY)** The amendment adds language to section 302 of the bill to ensure that the Presidential report required by that section includes an assessment of the quality of governance in each province of Afghanistan focusing in particular on the implementation of the rule of law, the impact of any human rights abuses by Afghan government forces on overall counterinsurgency efforts, and the ability of the courts and judicial system to provide an effective justice system.

**3) Rep. Costa (D-CA)** The amendment seeks to enhance the Offices of the Inspector General at the Department of State and the U.S. Agency for International Development by requiring that permanent in-country staff be deployed to audit, investigate and oversee the programs authorized in Title I of the Afghanistan Freedom and Support Act of 2002, and bolsters the authorization of funds for this purpose.

**4) Rep. Franks (R-AZ)** The amendment adds a congressional finding stating that the U.S. Armed Forces in Afghanistan recently intercepted a shipment of Iranian-made weapons intended for the Taliban in Afghanistan, and establishes a reporting requirement on Iranian-made weapons being sold to or used by the Taliban in Afghanistan.

**5) Rep. Jackson-Lee (D-TX) (Revised)** The amendment states that technical assistance should be provided to train national, provincial, and local governmental personnel for capacity-building purposes as it relates to education, health care, human rights (particularly women's rights), and political participation. This amendment also seeks to ensure girls complete secondary education so they are prepared and have the ability to pursue post-secondary education.

**6) Rep. Jackson-Lee (D-TX) (Revised)** The amendment seeks to bolster women's political participation by protecting women legislators when they return to the provinces they represent. It states that it is the sense of Congress that assistance provided to foreign countries and international organizations under this provision should be used, in part, to protect these female legislators.

**7) Rep. Kirk (R-IL) (Revised)** The amendment allows the Secretary of State, at her discretion, to make payments from the Rewards for Justice Program to officers or employees of the Afghan or Pakistani government who provide information leading to the capture of exceptional and high-profile terrorists committing acts in Afghanistan.

**8) Rep. Kucinich (D-OH) (Revised)** The amendment diverts \$500,000 in authorization authority for the United States contribution to the Post-Operations Humanitarian Relief Fund of the International Security Assistance Force (ISAF).

**9) Rep. Terry (R-NE) (Revised)** The amendment states that the U.S. Agency for International Development should give priority in awarding grants to non-governmental organizations to aid in the revitalization of Afghanistan to organizations based in the United States that have an established and cost-effective record of developing and administering such programs within Afghanistan, including teaching the people of Afghanistan how to create and sustain quality economic and educational systems.

**10) Rep. Van Hollen (D-MD) (Revised)** The amendment promotes the empowerment of citizens at the local level in the reconstruction and economic development decision-making process and creates an environment conducive to Afghan small business development.

**11) Rep. Souder (R-IN)** The amendment specifies that logistical support activities for counter narcotics missions in Afghanistan include force protection and in extremis support.

**Additional Views**

The Ranking Member of the Foreign Affairs Committee, Rep. Ileana Ros-Lehtinen (R-FL), is an original co-sponsor of the bill.

The White House released a Statement of Administration Policy for H.R. 2446 expressing concerns that the bill “consists largely of objectionable mandates that fail to provide the flexibility needed to respond to the complex challenges in Afghanistan” and “would unnecessarily restrict and limit the President in providing assistance to Afghanistan, in managing the Executive Branch, and in conducting U.S. foreign policy, thus raising a number of constitutional concerns.”

**Cost**

The CBO estimates that implementing H.R. 2446 would cost \$719 million in 2008 and almost \$5.8 billion from 2008-2012.

CBO Report: [H.R. 2446, Afghanistan Freedom and Security Support Act of 2007](#)

**Staff Contact**

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